

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

MONDAY, THE 4TH DECEMBER 2006 / 13TH AGRAHAYANA 1928

WP(C).No. 17345 of 2006(M)

PETITIONER:

LAILA SULAIMAN, W/O. SULAIMAN,
PULLERIYIL HOUSE, MEEYANA P.O., OYOOR,
KOLLAM DISTRICT.

BY ADV. SRI.NAGARAJ NARAYANAN
SRI.SAIJO HASSAN
SRI.A.S.SABU
SRI.A.G.GIRISH KUMAR

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY THE
SECRETARY TO GOVERNMENT, LOCAL ADMINISTRATION
DEPARTMENT, GOVERNMENT SECRETARIAT, TRIVANDRUM.
2. THE REVENUE DIVISIONAL OFFICER, KOLLAM.
3. SECRETARY, VELINALLOOR GRAMA
PANCHAYATH, VELINALLOOR, KOLLAM DISTRICT.
4. THE SUB INSPECTOR OF POLICE,
POOYAPPALLY POLICE STATION,
POOYAPPALLY, KOLLAM DISTRICT.
5. SHAILA, W/O. HUSSAIN, H.G. MANZIL, MEEYANA P.O.,
VELINALLOOR, KOLLAM DISTRICT.
6. UMMER, H.G. MANZIL,
MEEYANA P.O., VELINALLOOR, KOLLAM DISTRICT.

R5 & R6 BY ADV. SRI.T.K.MARTHANDAN UNNITHAN
SRI.K.P.UNNIKRISHNAN

R3 BY ADV.SRI.V.N.ACHUTHA KURUP (SR.)
SRI.K.G.RENGANATH
SMT.BINDU SREEKUMAR

R1, R2 & R4 BY GOVT.PLEADER SRI.MATHEW G.VADAKKEL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 04/12/2006, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

PIUS C. KURIAKOSE, J.

.....
W.P.(C) No.17345 OF 2006
.....

DATED THIS THE 4TH DECEMBER, 2006

J U D G M E N T

Counsel for the petitioner seeks leave to withdraw from the Writ Petition with liberty to move a fresh petition. Even though there is stiff resistance from Sri.T.K.M.Unnithan and Smt.Bindu Sreekumar, learned counsel appearing respectively for respondents 5 and 6 and respondent No.3 to the grant of liberty, I am of the view that permission can be granted to the petitioner for withdrawing from the Writ Petition with liberty to institute a fresh petition.

The Writ Petition will stand dismissed as withdrawn with liberty to institute a fresh petition. However, it is made clear that respondents 3, 5 and 6 will also have the permission to contend in the prospective Writ Petition that the petitioner is not entitled to invoke the discretionary jurisdiction of this Court under Article 226 of the Constitution of India in view of her previous actions.

(PIUS C. KURIAKOSE, JUDGE)

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PIUS C. KURIAKOSE, J.

.....
W.P.(C) No.17345 OF 2006

.....
DATED THIS THE 7TH JULY, 2006

J U D G M E N T

There is no appearance for party-respondents 5 and 6, though they have been served with notice by special messenger.

2. Learned Government Pleader appearing for respondents 1 and 2 (the State and the R.D.O., Kollam respectively) and the 4th respondent-Sub Inspector of Police submits that all necessary assistance will be given to the Panchayat for implementation of its orders and that he will file a statement to that effect. Learned Standing Counsel for the 3rd respondent- Panchayat submits that the Panchayat will ensure that whatever is necessary for implementation of the orders already passed will be done.

Under these circumstances, the Writ Petition will stand disposed of issuing the following directions:

The 3rd respondent-Velinalloor Grama Panchayat and, if requested by them, the 4th respondent-Sub Inspector of Police will ensure that further constructions are not being carried out by respondents 5 and 6. They will also ensure that necessary steps are

taken, invoking the powers under Section 235W of the Kerala Panchayat Raj Act, 1994 to see that unauthorised constructions already made by respondents 5 and 6 are removed. The concerned respondents will ensure compliance of direction No.1 within two weeks of the petitioner making available a copy of this judgment and of direction No.2 within one month.

The petitioner will cause copies of this judgment to be served on respondents 5 and 6 at his expense.

(PIUS C. KURIAKOSE, JUDGE)

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